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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOUGLAS WAYNE MARTINEZ,

Plaintiff,

v.

BANK OF AMERICA, N.A. and
BANK OF AMERICA CORPORATION,

Defendants.

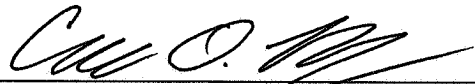
Case No. 1:08-cv-04964 (JGK)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Defendants Bank of America, N.A. and Bank of America Corporation will move before the Honorable Judge John G. Koeltl at the United States Courthouse, 500 Pearl Street, Room 1030, New York, New York 10007 at a date and time to be designated by the Court, for an order, pursuant to Federal Rules of Civil Procedure 8(a) and 12(b)(6), dismissing Plaintiff's Complaint, along with such other and further relief as the Court deems just, proper, and equitable.

Dated: New York, New York
August 28, 2008

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